

United States Senate

June 23, 2021

The Honorable Patty Murray
Chair
Senate Appropriations Committee
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Washington, DC 20510

The Honorable Roy Blunt
Ranking Member
Senate Appropriations Committee
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Washington, DC 20510

Dear Chair Murray and Ranking Member Blunt:

As you consider funding for Fiscal Year 2022 (FY22), we write to urge you to including funding and appropriations language to ensure that the United States transitions to a humanitarian, resource-driven approach to processing and welcoming asylum seekers and immigrants at the U.S.-Mexico border.

We request the Subcommittee direct funds to the Refugee and Entrant Assistance (REA) account, in the Labor, Health and Human Services and Education (LHHS) appropriations bill, for two pilot programs that provide case management, legal counsel, and humanitarian assistance for asylum seekers and arrivals at the U.S. border—as well as a study to identify challenges and best practices in serving asylum seekers. The REA account is administered by the Office of Refugee Resettlement (ORR), which helps states and local communities welcome and support refugees and other vulnerable populations on their path to self-sufficiency. These funding requests are supplemental to the requests to fund ORR’s resettlement services for refugees, trafficking and torture survivors, unaccompanied children, and others who already fall within ORR’s mandate.

1. Pilot for Case Management for Asylum Seekers Funded out of ORR REA Account

We request \$55,880,000 for REA to fund an ORR pilot program to provide asylum-seeker case-management services, referred to as the “Asylum Seeker Case Management Pilot Program.” This pilot program will support non-profit, community-based programs that provide community support services for asylum seekers, including legal, housing, transportation, education, social, job training, English language, food security, healthcare, medical, and mental health services. The pilot program will also facilitate referrals from short term processing centers at or near ports of entry.

We further request report language to direct ORR to adopt an “opt-in” approach to case management services, in which individuals and families are empowered to select the range of services most appropriate for their needs.

2. Pilot for Federally Funded Respite Shelters/Welcoming Centers

We request \$36,000,000 for ORR to institute a “Border Reception and Welcome Center Pilot Program” to support reception centers along the border that provide humanitarian

assistance to individuals encountered by the Department of Homeland Security (DHS). This assistance would include basic medical care, psychosocial support, orientation to legal responsibilities and rights, referrals to community-based case management services at destination cities, and facilitation of onward travel. The pilot program would be limited to non-custodial, opt-in voluntary services or accommodations.

We further request report language to direct ORR to produce a public report on its plan to create and staff three new voluntary Border Reception and Welcome Centers for migrants released from DHS custody, as well as a plan to coordinate with DHS for individuals to be released at the Border Reception and Welcome Centers. This report language should encourage ORR to regularly consult with non-governmental stakeholders—including service providers, border shelters, directly impacted individuals, and others as appropriate—when designing and implementing the pilot program. ORR should also be directed to produce a public report describing the successes and challenges of the pilot program to set the stage in scaling up the infrastructure to meet the humanitarian needs of migrants at the U.S. southern border, such as to ensure adequate transportation of new arrivals to shelters and onward travel to the U.S. interior final destinations.

3. Funding for Study on Where Community Support Services, Including Case Management, Should Permanently Reside

We request \$500,000 for ORR to fund a study to determine where, outside DHS, to house community support services, including case management and access to legal services, for immigrants and asylum seekers, and to identify additional funding and staffing investments that may be needed to ensure successful administration of these services. We ask the Subcommittee to direct the Secretaries of DHS, the Department of Justice (DOJ), Health and Human Services (HHS), and other relevant federal agencies to provide cooperative support with research, data gathering, interviews, and any other aspects of the study needed to ensure its success. It is critical to ensure that HHS works with a non-governmental contractor to conduct the study.

We further request report language that recognizes the Subcommittee's concerns that housing case management programs in DHS has led to program design that focuses principally on compliance, especially with removal orders. The language should seek an evaluation of the agencies or offices that could more appropriately house case management programs, and should direct an analysis of how funds to increase case management services can be redirected from U.S Immigration and Custom Enforcement's (ICE) custody account. The language should also seek an evaluation of how providing community-based case management services can offer cost savings to federal and state governments, including preventive health care.

So long as programs providing support services—including case management for individuals with pending immigration claims—remains housed within an agency with immigration enforcement as a central component of its mandate, there will be continued difficulties in establishing trust between providers and intended beneficiaries. This includes limited overall efficacy in social services programming, to the detriment of individuals and families finding

long-term stability in their communities, and ultimately their ability to successfully navigate their immigration cases.

The proposed ORR pilot programs for case management services for asylum seekers and for humanitarian assistance by community-based border shelters will help promote a safe and orderly process that meets the humanitarian needs of new arrivals and reduces the burden on receiving communities. ORR is in the best position to implement these programs as a non-enforcement agency that already services resettled refugees, unaccompanied children, and other vulnerable populations. The funded study will also provide important analysis on how programs such as these pilots can represent an alternative to an enforcement-focused response, in favor of fair and equitable outcomes for clients and cost savings, including preventive health care, for the federal and state governments.

In FY22, Congress should take immediate steps to move case management services outside of ICE's purview, while considering how to move administration of social support services for individuals and families with pending immigration claims outside of DHS entirely.

We deeply appreciate your support for these services and your consideration of these requests, as we seek to provide this critical funding to serve and protect some of the world's most vulnerable people and maintain our legacy as a leader in humanitarian and asylum protection.

Sincerely,



Edward J. Markey
United States Senator



Richard Blumenthal
United States Senator



Cory A. Booker
United States Senator

/s/

Mazie K. Hirono
United States Senator



Tim Kaine
United States Senator



Alex Padilla
United States Senator



Elizabeth Warren
United States Senator



Ron Wyden
United States Senator